

107TH CONGRESS  
1ST SESSION

# S. 1711

To designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2001

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “James Peak Wilder-  
5       ness, Wilderness Study, and James Peak Protection Area  
6       Act”.

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

9               (1) BOARD.—The term “Board” means the  
10       Colorado State Land Board.

1           (2) FOREST SUPERVISOR.—The term “Forest  
2       Supervisor” means the Forest Supervisor of the  
3       Arapaho National Forest and Roosevelt National  
4       Forest.

5           (3) MANAGEMENT PLAN.—The term “manage-  
6       ment plan” means the 1997 Revision of the Land  
7       and Resource Management Plan for the Arapaho  
8       and Roosevelt National Forests and the Pawnee Na-  
9       tional Grasslands.

10          (4) PROTECTION AREA.—The term “Protection  
11       Area” means the James Peak Protection Area des-  
12       ignated by section 4(b).

13          (5) SECRETARY.—The term “Secretary” means  
14       the Secretary of Agriculture.

15          (6) SPECIAL INTEREST AREA.—The term “spe-  
16       cial interest area” means the land in the Protection  
17       Area that is bounded—

18                (A) on the north by Rollins Pass Road;

19                (B) on the east by the Continental Divide;

20                and

21                (C) on the west by the 11,300-foot ele-  
22       vation contour, as depicted on the map entitled  
23       “Proposed James Peak Protection Area”, dated  
24       September 2001.

1           (7) STATE.—The term “State” means the State  
2       of Colorado.

3   **SEC. 3. WILDERNESS DESIGNATION.**

4       (a) JAMES PEAK WILDERNESS.—Section 2(a) of the  
5   Colorado Wilderness Act of 1993 (Public Law 103–77;  
6   107 Stat. 756) is amended by adding at the end the fol-  
7   lowing:

8           “(20) JAMES PEAK WILDERNESS.—Certain land  
9       in the Arapaho National Forest and Roosevelt Na-  
10      tional Forest comprising approximately 14,000  
11      acres, as generally depicted on the map entitled  
12      ‘Proposed James Peak Wilderness’, dated September  
13      2001, and which shall be known as the ‘James Peak  
14      Wilderness’.”.

15      (b) ADDITION TO THE INDIAN PEAKS WILDERNESS  
16   AREA.—Section 3 of the Indian Peaks Wilderness Area,  
17   the Arapaho National Recreation Area and the Oregon Is-  
18   lands Wilderness Area Act (Public Law 95–450; 92 Stat.  
19   1095) is amended by adding at the end the following:

20           “(c) ADDITIONAL LAND.—In addition to the land de-  
21   scribed in subsection (a), the Indian Peaks Wilderness  
22   Area shall include—

23           “(1) the approximately 2,232 acres of Federal  
24      land in the Arapaho National Forest and Roosevelt  
25      National Forest, as generally depicted on the map

1 entitled ‘Ranch Creek Addition to Indian Peaks Wil-  
2 derness’, dated September 2001; and

3 “(2) the approximately 963 acres of Federal  
4 land in the Arapaho National Forest and Roosevelt  
5 National Forest, as generally depicted on the map  
6 entitled ‘Fourth of July Addition to Indian Peaks  
7 Wilderness’, dated September 2001.”.

8 (c) MAPS AND LEGAL DESCRIPTIONS.—

9 (1) IN GENERAL.—As soon as practicable after  
10 the date of enactment of this Act, the Secretary  
11 shall submit to the Committee on Resources of the  
12 House of Representatives and the Committee on En-  
13 ergy and Natural Resources of the Senate—

14 (A) a map and legal description of the area  
15 designated as wilderness by the amendments  
16 made by subsection (a); and

17 (B) a map and legal description of the  
18 area added to the Indian Peaks Wilderness  
19 Area by the amendments made by subsection  
20 (b).

21 (2) EFFECT.—The maps and legal descriptions  
22 shall have the same force and effect as if included  
23 in—

24 (A) the Colorado Wilderness Act of 1993  
25 (Public Law 103–77; 107 Stat. 756); and

1 (B) the Indian Peaks Wilderness Area, the  
2 Arapaho National Recreation Area and the Or-  
3 egon Islands Wilderness Area Act (Public Law  
4 95–450; 92 Stat. 1095).

5 (3) CORRECTIONS.—The Secretary may correct  
6 technical errors in the maps and legal descriptions.

7 (4) AVAILABILITY.—Copies of the maps and  
8 legal descriptions shall be on file and available for  
9 public inspection in—

10 (A) the office of the Chief of the Forest  
11 Service; and

12 (B) the office of the Forest Supervisor.

13 **SEC. 4. DESIGNATION OF JAMES PEAK PROTECTION AREA.**

14 (a) FINDINGS AND PURPOSE.—

15 (1) FINDINGS.—Congress finds that—

16 (A) the Protection Area includes important  
17 resources and values, including wildlife habitat,  
18 clean water, open space, and opportunities for  
19 solitude;

20 (B) the Protection Area includes areas  
21 that are suitable for recreational uses, including  
22 the use of snowmobiles and other motorized and  
23 nonmotorized vehicles; and

24 (C) the Protection Area should be man-  
25 aged in a way that protects the resources and

1 values of the Protection Area while permitting  
2 continued recreational uses, subject to appro-  
3 priate regulations.

4 (2) PURPOSE.—The purpose of this section is  
5 to provide for management of certain land in the  
6 Arapaho National Forest and Roosevelt National  
7 Forest in a manner that—

8 (A) is consistent with the management  
9 plan; and

10 (B) protects the natural qualities of the  
11 land.

12 (b) DESIGNATION.—The approximately 16,000 acres  
13 of land in the Arapaho National Forest and Roosevelt Na-  
14 tional Forest generally depicted on the map entitled “Pro-  
15 posed James Peak Protection Area”, dated September  
16 2001, is designated as the “James Peak Protection Area”.

17 (c) MAP AND LEGAL DESCRIPTION.—

18 (1) IN GENERAL.—As soon as practicable after  
19 the date of enactment of this Act, the Secretary  
20 shall submit to the Committee on Resources of the  
21 House of Representatives and the Committee on En-  
22 ergy and Natural Resources of the Senate a map  
23 and legal description of the Protection Area.

1           (2) EFFECT.—The map and legal description  
2           shall have the same force and effect as if included  
3           in this Act.

4           (3) CORRECTIONS.—The Secretary may correct  
5           clerical and typographical errors in the map and  
6           legal description.

7           (4) AVAILABILITY.—The map and legal descrip-  
8           tion shall be on file and available for public inspec-  
9           tion in—

10                   (A) the office of the Chief of the Forest  
11                   Service; and

12                   (B) the office of the Forest Supervisor.

13           (d) MANAGEMENT.—

14           (1) IN GENERAL.—Except as otherwise pro-  
15           vided in this section, the Secretary shall manage and  
16           administer the Protection Area in accordance with  
17           the management plan.

18           (2) GRAZING.—Nothing in this Act, including  
19           the establishment of the Protection Area, affects  
20           grazing on land in or outside of the Protection Area.

21           (3) WITHDRAWALS.—

22                   (A) IN GENERAL.—Subject to valid exist-  
23                   ing rights, all Federal land in the Protection  
24                   Area (including land and interests in land ac-  
25                   quired for the Protection Area by the United

1 States after the date of enactment of this Act)  
2 is withdrawn from—

3 (i) all forms of entry, appropriation,  
4 or disposal under the public land laws;

5 (ii) location, entry, and patent under  
6 the mining laws; and

7 (iii) the operation of the mineral leas-  
8 ing, mineral materials, and geothermal  
9 leasing laws.

10 (B) EFFECT.—Nothing in subparagraph  
11 (A) affects the discretionary authority of the  
12 Secretary under other Federal law to grant,  
13 issue, or renew any right-of-way or other land  
14 use authorization consistent with this Act.

15 (4) MOTORIZED AND MECHANIZED TRAVEL.—

16 (A) REVIEW AND INVENTORY.—

17 (i) IN GENERAL.—Not later than 2  
18 years after the date of enactment of this  
19 Act, the Secretary, in consultation with  
20 any interested parties, shall complete a re-  
21 view and inventory of all roads and trails  
22 in the Protection Area (excluding the spe-  
23 cial interest area) on which use was al-  
24 lowed on September 10, 2001.



1           (ii) CONNECTION.—In conducting the  
2 review and inventory under clause (i), the  
3 Secretary may connect any existing road or  
4 trail in the inventory area to another exist-  
5 ing road or trail in the inventory area for  
6 the purpose of mechanized and non-  
7 motorized use, if the connection results in  
8 no net gain in the total mileage of roads  
9 or trails open for public use in the Protec-  
10 tion Area.

11           (iii) CLOSURE.—In conducting the re-  
12 view and inventory under clause (i), the  
13 Secretary may close or remove any road or  
14 trail in the Protection Area that the Sec-  
15 retary determines to be undesirable, except  
16 those roads or trails managed under para-  
17 graph (7).

18           (iv) DESIGNATED AREAS.—As soon as  
19 practicable after completion of the review  
20 and inventory under clause (i), the Sec-  
21 retary shall prohibit motorized and mecha-  
22 nized travel in the Protection Area, except  
23 on roads and trails—

24                   (I) identified as being open to  
25                   use in the inventory; or

1 (II) established under paragraph  
2 (5).

3 (B) ROGERS PASS TRAIL.—Notwith-  
4 standing any other provision of this Act, a mo-  
5 torized vehicle shall not be permitted on any  
6 part of the Rogers Pass Trail.

7 (5) NEW ROADS AND TRAILS.—

8 (A) IN GENERAL.—Except as provided in  
9 subparagraph (B), no road or trail shall be es-  
10 tablished in the Protection Area after the date  
11 of enactment of this Act.

12 (B) ESTABLISHMENT.—The Secretary may  
13 establish—

14 (i) a new road or trail to replace a  
15 road or trail of the same character and  
16 scope that has become nonserviceable be-  
17 cause of a reason other than neglect;

18 (ii) as necessary, nonpermanent roads  
19 for—

20 (I) hazardous fuel reduction;

21 (II) fire, insect, or disease control  
22 projects; or

23 (III) other management pur-  
24 poses;

1 (iii) any road determined to be appro-  
 2 priate for reasonable access under section  
 3 5(b)(3);

4 (iv) a loop trail established under sec-  
 5 tion 7; or

6 (v) a trail for nonmotorized use along  
 7 the corridor designated as the Continental  
 8 Divide Trail.

9 (6) TIMBER HARVESTING.—No timber har-  
 10 vesting shall be allowed within the Protection Area,  
 11 except to the extent necessary for—

12 (A) hazardous fuel reduction;

13 (B) a fire, insect, or disease control  
 14 project; or

15 (C) protection of public health or safety.

16 (7) SPECIAL INTEREST AREA.—The manage-  
 17 ment prescription applicable to the land referred to  
 18 in the management plan as the James Peak Special  
 19 Interest Area shall apply to the special interest area.

20 (e) NATURAL GAS PIPELINE.—

21 (1) MAINTENANCE.—The Secretary shall allow  
 22 for maintenance of rights-of-way and access roads  
 23 located in the Protection Area—

24 (A) to the extent necessary to operate the  
 25 natural gas pipeline permitted under the Arap-

1           aho/Roosevelt National Forest master permit  
2           numbered 4138.01; and

3                   (B) in a manner that—

4                           (i) does not have a negative effect on  
5                   public safety; and

6                           (ii) allows for compliance with Federal  
7                   pipeline safety requirements.

8           (2) INCLUSIONS.—Maintenance under para-  
9           graph (1) may include—

10                   (A) vegetation management;

11                   (B) road maintenance;

12                   (C) ground stabilization; and

13                   (D) motorized vehicle access.

14           (f) PERMANENT FEDERAL OWNERSHIP.—All right,  
15           title, and interest of the United States, held on or acquired  
16           after the date of enactment of this Act, in and to land  
17           within the boundaries of the Protection Area shall be re-  
18           tained by the United States.

19           (g) WATER RIGHTS.—

20                   (1) EFFECT OF THIS ACT.—Nothing in this  
21           Act—

22                           (A) constitutes an express or implied res-  
23                   ervation of any water or water right with re-  
24                   spect to land within the Protection Area;

1 (B) affects any conditional or absolute  
2 water right in the State in existence on the date  
3 of enactment of this Act;

4 (C) establishes a precedent with regard to  
5 any future Protection Area designation; or

6 (D) limits, alters, modifies, or amends any  
7 interstate compact or equitable apportionment  
8 decree that apportions water among and be-  
9 tween the State and other States.

10 (2) COLORADO WATER LAW.—The Secretary  
11 shall be subject to all procedural and substantive  
12 laws of the State in order to obtain and hold any  
13 new water rights with respect to the Protection  
14 Area.

15 (3) WATER INFRASTRUCTURE.—Nothing in this  
16 Act affects, impedes, interferes with, or diminishes  
17 the operation, existence, access, maintenance, im-  
18 provement, or construction of a water facility or in-  
19 frastructure, right-of-way, or other water-related  
20 property, interest, or use (including the use of mo-  
21 torized vehicles and equipment on land within the  
22 Protection Area) on any land except the land in the  
23 special interest area.

1 **SEC. 5. ACQUISITION OF LAND.**

2 (a) BOARD LAND.—The Secretary may acquire by  
3 purchase or exchange land in the Protection Area owned  
4 by the Board.

5 (b) JIM CREEK DRAINAGE.—

6 (1) IN GENERAL.—The Secretary may acquire  
7 by purchase or exchange land in the Jim Creek  
8 drainage in the Protection Area.

9 (2) CONSENT OF LANDOWNER.—The Secretary  
10 may acquire land under this subsection only with the  
11 consent of the landowner.

12 (3) EFFECT.—Nothing in this Act affects the  
13 rights of any owner of land located within the Jim  
14 Creek drainage in the Protection Area, including any  
15 right to reasonable access to the land by motorized  
16 or other means, as determined by the Chief of the  
17 Forest Service and the landowner, in accordance  
18 with applicable law (including regulations).

19 (c) REPORT.—

20 (1) IN GENERAL.—The Secretary shall submit  
21 to the Committee on Resources of the House of Rep-  
22 resentatives and the Committee on Energy and Nat-  
23 ural Resources of the Senate a report concerning  
24 any agreement or the status of negotiations for the  
25 acquisition of land under—

26 (A) subsection (a), on the earlier of—

1 (i) the date on which an agreement  
2 for acquisition by the United States of  
3 land referred to in subsection (a) is en-  
4 tered into; or

5 (ii) 1 year after the date of enactment  
6 of this Act; and

7 (B) subsection (b), on the earlier of—

8 (i) the date on which an agreement  
9 for acquisition by the United States of  
10 land referred to in subsection (b) is en-  
11 tered into; or

12 (ii) 1 year after the date of enactment  
13 of this Act.

14 (2) REQUIREMENTS.—A report under para-  
15 graph (1) shall include information on funding,  
16 including—

17 (A) to what extent funds are available to  
18 the Secretary for the acquisition of the land, as  
19 of the date of the report; and

20 (B) whether additional funds need to be  
21 appropriated or otherwise made available to the  
22 Secretary for the acquisition of the land.

23 (d) MANAGEMENT OF ACQUISITIONS.—Any land  
24 within the James Peak Wilderness or the Protection Area  
25 acquired by the United States after the date of enactment

1 of this Act shall be added to the James Peak Wilderness  
 2 or the Protection Area, respectively.

3 **SEC. 6. JAMES PEAK FALL RIVER TRAILHEAD.**

4 (a) SERVICES AND FACILITIES.—

5 (1) IN GENERAL.—Following the consultation  
 6 required by subsection (c), the Forest Supervisor  
 7 shall establish a trailhead, facilities, and services for  
 8 National Forest System land that is located—

9 (A) in the vicinity of the Fall River basin;

10 and

11 (B) south of the communities of Alice  
 12 Township and St. Mary's Glacier in the State.

13 (2) INCLUSIONS.—The facilities and services  
 14 under paragraph (1) shall include—

15 (A) parking for the trailhead;

16 (B) public restroom accommodations; and

17 (C) maintenance of the trailhead and trail.

18 (b) PERSONNEL.—The Forest Supervisor shall assign  
 19 Forest Service personnel to provide appropriate manage-  
 20 ment and oversight of the area specified in subsection  
 21 (a)(1).

22 (c) CONSULTATION.—The Forest Supervisor shall  
 23 consult with the commissioners of Clear Creek County and  
 24 with residents of Alice Township and St. Mary's Glacier  
 25 in the State regarding—



1           (1) the appropriate location of facilities and  
2           services in the area specified in subsection (a)(1);  
3           and

4           (2) appropriate measures that may be needed in  
5           this area—

6                   (A) to provide access by emergency or law  
7                   enforcement vehicles;

8                   (B) for public health; and

9                   (C) to address concerns regarding impeded  
10           access by local residents.

11       (d) REPORT.—As soon as practicable after the con-  
12       sultation required by subsection (c), the Forest Supervisor  
13       shall submit to the Committee on Resources and the Com-  
14       mittee on Appropriations of the House of Representatives  
15       and the Committee on Energy and Natural Resources and  
16       the Committee on Appropriations of the Senate a report  
17       regarding the amount of any additional funding required  
18       to implement this section.

19       **SEC. 7. LOOP TRAIL STUDY.**

20       (a) STUDY.—Not later than 3 years after the date  
21       on which funds are first made available to carry out this  
22       section, the Secretary, in consultation with interested par-  
23       ties, shall complete a study of the suitability and feasibility  
24       of establishing, consistent with the purpose described in  
25       section 4(a)(2), a loop trail for mechanized and other non-

1 motorized recreation that connects the trail designated as  
2 “Rogers Pass” and the trail designated as “Rollins Pass  
3 Road”.

4 (b) ESTABLISHMENT.—If the results of the study re-  
5 quired by subsection (a) indicate that establishment of a  
6 loop trail would be suitable and feasible, the Secretary  
7 shall establish the loop trail.

8 **SEC. 8. ADMINISTRATIVE PROVISIONS.**

9 (a) NO BUFFER ZONES.—

10 (1) IN GENERAL.—The designation by this Act  
11 or by amendments made by this Act of wilderness  
12 areas under section 3 and the Protection Area in the  
13 State shall not establish any express or implied pro-  
14 tective perimeter or buffer zone around a wilderness  
15 area or the Protection Area.

16 (2) SURROUNDING LAND.—The fact that the  
17 use of, or conduct of an activity on, land that shares  
18 a boundary with a wilderness area or the Protection  
19 Area may be seen or heard from a wilderness area  
20 or the Protection Area shall not, in and of itself,  
21 preclude the conduct of the use or activity.

22 (b) ROLLINS PASS ROAD.—

23 (1) IN GENERAL.—If requested by 1 or more of  
24 Grand, Gilpin, or Boulder Counties in the State, the  
25 Secretary, with respect to the repair of the Rollins

1 Pass road in those counties, shall provide technical  
2 assistance and otherwise cooperate with the counties  
3 to permit 2-wheel-drive vehicles to travel between  
4 Colorado State Highway 119 and U.S. Highway 40.

5 (2) CLOSURE OF MOTORIZED ROADS AND  
6 TRAILS.—If Rollins Pass road is repaired in accord-  
7 ance with paragraph (1), the Secretary shall close  
8 the motorized roads and trails on Forest Service  
9 land indicated on the map entitled “Rollins Pass  
10 Road Reopening: Attendant Road and Trail Clo-  
11 sures,” dated September 2001.

12 **SEC. 9. WILDERNESS POTENTIAL.**

13 (a) IN GENERAL.—Nothing in this Act precludes or  
14 restricts the authority of the Secretary—

15 (1) to evaluate the suitability of land in the  
16 Protection Area for inclusion in the National Wilder-  
17 ness Preservation System; or

18 (2) to make recommendations to Congress on  
19 the inclusion of land evaluated under paragraph (1)  
20 in the National Wilderness Preservation System.

21 (b) EVALUATION OF CERTAIN LANDS.—As part of  
22 the first revision of the management plan carried out after  
23 the date of the enactment of this Act, the Secretary  
24 shall—

1           (1) evaluate the suitability of the special inter-  
2       est area for inclusion in the National Wilderness  
3       Preservation System; and

4           (2) make recommendations to Congress on the  
5       inclusion of land evaluated under paragraph (1) for  
6       inclusion in the National Wilderness Preservation  
7       System.

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